

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2016

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.8994 of 2016
and
W.M.P.No.7990 of 2016

A.Balakrishnan

.. Petitioner

vs

1. The Chairman cum Managing Director
Tamil Nadu Generation and Distribution
Corporation Ltd.
No.144, Anna Salai
Chennai 600 002.
2. The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation Ltd.
No.144, Anna Salai
Chennai 600 002.
3. The Chief Engineer
Tuticorin Thermal Power Station
TANGEDCO, Tuticorin 628 004.
4. The Superintending Engineer (P & A)
Tuticorin Thermal Power Station
TANGEDCO, Tuticorin 628 004.
5. The Deputy Chief Chemist
Tuticorin Thermal Power Station
Thoothukudi-4.
6. The Superintending Engineer
Valuthur Gas Turbine Power Station
Ramnad

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the entire records connected with the impugned order passed by the second respondent vide Memo No.018560/248/G15/152/2016 dated 04.03.2016 and the consequential order of the fifth respondent vide Memo No.DCC/TTPS/F1/D106/16 dated 05.03.2016 and to quash the same.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mrs.R.Varalakshmi

O R D E R

This writ petition has been filed by one Thiru.A.Balakrishnan challenging the impugned transfer order issued by the second respondent dated 04.03.2016 and the consequential relieving order of the fifth respondent dated 05.03.2016.

2. The learned counsel for the petitioner would submit that the impugned transfer has been passed just before the election Notification issued on 04.03.2016 and further the same has been passed during the non-transferable period. He would further submit that he has three daughters, who are going to college and school and their exams are going on. Therefore, he would submit that if the petitioner is transferred at this crucial period, his family would be put to great hardship and his daughters may find it difficult to attend their college and school as the transferred place is 150 kms away from the present place of posting.

3. Heard both sides.

4. A perusal of the typed set of papers shows that the petitioner's first two daughters, viz., B.Adhithya and B.Durga are doing M.Com. Degree Courses and their examinations are scheduled to be held in May 2016. Further, his third daughter, viz.B.Vasuki is doing +2 and her exams have already commenced on 04.03.2016 and it is ending only on 01.04.2016 and if the petitioner is transferred at this juncture, the children will be put to great hardship.

5. Entertaining a similar grievance faced by a transferred employee during the middle of the academic year, weightage should be given to the problems of the school going children, the Hon'ble Apex Court in Director of School v.Karuppa Thevan (1994 SCC Supl.(2) 666), after noting that there is no such rule, held that while effecting transfer, the fact that the children of an employee studying in college should be given due weight if the exigencies of the service are not urgent. While holding so, the Hon'ble Apex Court directed the respondent therein not to effect the transfer till the end of the current academic year.

6. In view of the above, without going into the merits of the matter, this Court has no hesitation to keep the transfer order dated 04.03.2016 passed by the second respondent and the consequential relieving order dated 05.03.2016 passed by the fifth respondent in abeyance till 31.05.2016. It is further made clear that the petitioner is directed to take charge in the transferred place on 01.06.2016, without fail. The respondents are directed to make suitable arrangements till then.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

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+1cc to Mr.S.N.Ravi Chandran, Advocate Sr.17252

W.P.No.8994 of 2016

Ca (CO)
srg (23/03/2016)



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